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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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01/20/00

09/20/00

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IM22/1120

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EXAMINER

KHUR, K

ART UNIT

PAPER NUMBER

1773

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DATE MAILED:

11/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/161,283Applicant(s)
MAEKAWAExaminer
Kevin KruerGroup Art Unit
1773**THE PERIOD FOR RESPONSE: [check only a) or b)]**a) ☒ expires 4 months from the mailing date of the final rejection.b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Nov 3, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

☒ they raise new issues that would require further consideration and/or search. (See note below).

☐ they raise the issue of new matter. (See note below).

☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: see attached

☐ Applicant's response has overcome the following rejection(s):

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: NONE

Claims objected to: NONE

Claims rejected: 1, 2, 4, 5, and 9-15

☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Other

Art Unit: 1773

Advisory Action

1. Applicants' arguments filed November 3, 2000 have been fully considered but they are not persuasive. Furthermore, Applicant's amendments will not be entered because they raise new issues that would require further search and consideration. Specifically, a laminate wherein methyl methacrylate layers (B) and (A) both meet the limitations of claim 2 have not previously been considered. Thus, further consideration would be required to determine if the claim was patentable.

Applicants argue that Hatakeyama does "not describe a molded sheet." The examiner is not clear whether Applicants are arguing that Hatakeyama doesn't teach molding or that Hatakeyama doesn't teach the formation of a sheet. Applicants admit in their arguments that Hatakeyama teaches a "molded" article (see paper #6, page 4, second paragraph). With respect to the formation of a "sheet," the examiner takes "sheet" to mean "a broad stretch or surface of something (as defined in Merriam Webster's Collegiate Dictionary, tenth edition)." Thus, the examiner takes the position that any "article (as taught by Hatakeyama)" will comprise "a broad stretch or surface."

Applicants further argue that Hatakeyama does not teach the presence of methyl methacrylate resin particles. The examiner agrees with Applicant's interpretation. However, the examiner points out that the rejection never relied upon Hatakeyama to teach methyl methacrylate resin particles. Rather, the examiner applied the teachings of Visser to teach the particles. In response to applicants' arguments against the references individually, one cannot show

Art Unit: 1773

nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants also argue that Hatakeyama does not teach a three-layered film. The examiner agrees with Applicants interpretation of the reference. However, the examiner has taken the position that it would have been obvious to one of ordinary skill in the art to laminate acrylic films on both sides of the resin layer given the expectation of equivalent results. The examiner maintains the position since applicants do not argue the examiner's motivation statement.

Applicants further argues that the references neither disclose, describe, nor suggest anything with respect to such multi-layered structure which can be subjected to thermoforming so as to obtain a molded article having a smaller bias of thickness. In response, the examiner would like to reiterate the arguments made in Paragraph 4 of Paper #5. The examiner has taken the position that is would have been obvious to one having ordinary skill in the art to laminate acrylic films on both sides of the resin layer given the expectation of equivalent results. In the absence of unexpected results, the examiner maintains the position. Applicants have failed to provide any experimental data or other objective evidence indicating that the three-layer structure of the claimed invention is indeed critical and leads to unexpected results. Furthermore, the determination of patentability for the product claims is based on the product itself and not on the method of production. If the product is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a materially different process.

Art Unit: 1773

In this case, the product is obvious despite the process limitations of multi-layer extrusion molding.

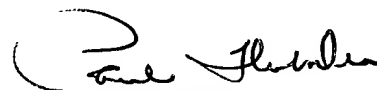
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0651.



Kevin R. Kruer
Patent Examiner



Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700